

TO: Mail Stop 8 Director of the U.S. Patent & Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been
filed in the U.S. District Court Northern District of California on the following ☒ Patents or ☐ Trademarks:

DOCKET NO. CV 11-00910 PSG	DATE FILED 2/25/2011	U.S. DISTRICT COURT 280 North First Street., Rm 2112, San Jose, CA 95113
PLAINTIFF ORACLE CORPORATION		DEFENDANT DRUGLOGIC INC
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 6,684,221		SEE ATTACHED COMPLAINT
2 6,789,091		
3		
4		
5		

In the above—entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
1			
2			
3			
4			
5			

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK Richard W. Wieking	(BY) DEPUTY CLERK Betty Walton	DATE March 3, 2011
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Copy 1—Upon initiation of action, mail this copy to Commissioner Copy 3—Upon termination of action, mail this copy to Commissioner
Copy 2—Upon filing document adding patent(s), mail this copy to Commissioner Copy 4—Case file copy

ORIGINAL

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17 Attorneys for Plaintiffs Oracle Corporation and

18 Oracle International Corporation

19 IN THE UNITED STATES DISTRICT COURT

20 FOR THE NORTHERN DISTRICT OF CALIFORNIA

22 ORACLE CORPORATION and
23 ORACLE INTERNATIONAL
CORPORATION,

24 Plaintiffs,

25 v.

26 DRUGLOGIC, INC.,

27 Defendant.

Case No.

**COMPLAINT FOR DAMAGES AND
DECLARATORY RELIEF**

DEMAND FOR JURY TRIAL

COMPLAINT

1 Plaintiffs Oracle Corporation, Inc. ("Oracle Corporation") and Oracle International
2 Corporation ("Oracle International") (collectively, "Oracle") complain against defendant
3 DrugLogic, Inc. ("DrugLogic") as follows:

4 **NATURE OF THE ACTION**

5 1. This is a complaint for patent infringement under 35 U.S.C. §§101, *et seq.*, and for
6 a declaratory judgment pursuant to the Declaratory Judgment Act, 28 U.S.C. § 2201.

7 **PARTIES**

8 2. Oracle Corporation is a corporation organized under the laws of Delaware and
9 having a principal place of business in Redwood Shores, California.

10 3. Oracle International is a corporation organized under the laws of California and
11 having a principal place of business in Redwood Shores, California.

12 4. On information and belief, DrugLogic is a corporation organized under the laws of
13 Delaware and having a principal place of business in Reston, Virginia.

14 **JURISDICTION AND VENUE**

15 5. The Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1338(a),
16 2201, and 2202.

17 6. DrugLogic is subject to personal jurisdiction in this district based on its systematic
18 and continuous contacts with this district and its purposeful acts and/or transactions directed
19 toward this district. Such contacts include without limitation DrugLogic's past and ongoing
20 infringing conduct in this district and its bringing of a lawsuit in this district, alleging
21 infringement of the same patent that is the subject of this lawsuit.

22 7. Venue is proper in this district under 28 U.S.C. §§ 1400(b) and 1391(b) and (c).

23 **FIRST CLAIM FOR RELIEF**

24 **(Infringement of the '221 Patent)**

25 8. Oracle realleges and incorporates by reference the allegations of paragraphs 1-7.

26 9. Oracle International is the owner of the entire right, title, and interest in and to
27 U.S. Patent No. 6,684,221 ("the '221 patent"), entitled "Uniform Hierarchical Information
28

1 Classification and Mapping System.” The ‘221 patent was duly and legally issued on January 27,
2 2004 in the name of inventor Kim Rejndrup. A copy of the ‘221 patent is attached hereto as
3 Exhibit A.

4 10. On information and belief, DrugLogic has been and is currently directly infringing,
5 and indirectly infringing by way of inducing infringement and/or contributing to the infringement
6 of, at least Claim 1 of the ‘221 patent through its design, marketing, manufacture, and/or sale of
7 its Qscan product suite and related products and services. Discovery of material currently in the
8 sole possession, custody, and/or control of DrugLogic will likely lead to evidence of infringement
9 of other claims of the ‘221 patent.

10 11. Before this action, DrugLogic was aware of the ‘221 patent. DrugLogic continued
11 its infringing activity despite its knowledge of the ‘221 patent and despite an objectively high
12 likelihood that its actions constituted infringement of the ‘221 patent. Accordingly, DrugLogic’s
13 infringement has been willful and deliberate.

14 12. Oracle has suffered, and will continue to suffer, irreparable injury as a result of
15 DrugLogic’s infringement. Pursuant to 35 U.S.C. §§ 283 and 284, Oracle is entitled to damages
16 and to a permanent injunction against further infringement.

17 13. This case is exceptional, and therefore, Oracle is entitled to attorneys’ fees
18 pursuant to 35 U.S.C. § 285.

19 **SECOND CLAIM FOR RELIEF**

20 **(Declaratory Judgment of Non-Infringement of ‘091 Patent)**

21 14. Oracle realleges and incorporates by reference the allegations of paragraphs 1-13.

22 15. On December 17, 2010, DrugLogic filed a complaint against Oracle Corporation
23 and Phase Forward, Inc. (“Phase Forward”), a company that Oracle acquired in 2010, in the
24 United States District Court for the Northern District of California, Civil Action No. 10-05771
25 (JCS). DrugLogic served its complaint on December 23, 2010.

26 16. In its complaint, DrugLogic alleged that Oracle and Phase Forward directly and
27 indirectly infringe and infringed at least four claims of U.S. Patent No. 6,789,091 (“the ‘091
28

1 patent”), by making and selling their Empirica Signal products and related products. DrugLogic
2 also alleged that Oracle and Relsys International, Inc. (“Relsys”), another company that Oracle
3 acquired in 2009, directly and indirectly infringe and infringed at least four claims of the ‘091
4 patent by making and selling their Argus Perceptive products and related products. DrugLogic
5 also asserted a claim against Oracle for breach of contract arising out of a Co-Marketing and
6 Development Agreement between DrugLogic and Relsys. DrugLogic’s complaint requested
7 damages and an injunction.

8 17. On February 23, 2011, without explanation, DrugLogic voluntarily dismissed its
9 complaint without prejudice pursuant to Federal Rules of Civil Procedure 41(a)(1)(A)(i) and
10 41(a)(1)(B).

11 18. On information and belief, despite its voluntary dismissal, DrugLogic still intends
12 to pursue a claim for patent infringement against Oracle based on the ‘091 patent.

13 19. Oracle denies that it, Phase Forward, or Relsys infringe or infringed any claims of
14 the ‘091 patent, either literally or under the doctrine of equivalents, willfully or otherwise.

15 20. As a result, there is an actual controversy between DrugLogic and Oracle as to
16 whether Oracle, Phase Forward, and Relsys infringe or infringed the ‘091 patent.

17 21. Oracle thus seeks a declaratory judgment of non-infringement of the ‘091 patent.

18 **THIRD CLAIM FOR RELIEF**

19 **(Declaratory Judgment of Invalidity of ‘091 Patent)**

20 22. Oracle realleges and incorporates by reference the allegations of paragraphs 1-21.

21 23. In its complaint against Oracle and Phase Forward, DrugLogic alleged that the
22 ‘091 patent is valid.

23 24. Oracle denies that the ‘091 patent is valid, due to a failure to comply with the
24 requirements of Title 35 of the United States Code, including but not limited to Sections 101, 102,
25 103, and/or 112.

26 25. As a result, there is an actual controversy between DrugLogic and Oracle as to
27 whether the ‘091 patent is valid.

1 26. Oracle thus seeks a declaratory judgment that the '091 patent is invalid.

2 **DEMAND FOR JURY TRIAL**

3 Oracle hereby demands a trial by jury on all issues so triable.

4 **PRAYER FOR RELIEF**

5 WHEREFORE, Oracle prays for:

- 6 A. A judgment that DrugLogic infringes and infringed, directly and indirectly, the
7 '221 patent;
- 8 B. Permanent injunctive relief against DrugLogic, its officers, agents, servants,
9 employees, attorneys, and those persons in active concert or participation with any of them, that
10 restrains and enjoins them from directly and indirectly infringing the '221 patent;
- 11 C. Compensatory damages in an amount according to proof;
- 12 D. Exemplary damages based on DrugLogic's willful infringement;
- 13 E. A judgment that this is an exceptional case pursuant to 35 U.S.C. § 285;
- 14 F. A declaratory judgment that that Oracle, Relsys, and Phase Forward do not and did
15 not infringe any claim of the '091 patent;
- 16 G. A declaratory judgment that each and every claim of the '091 patent is invalid;
- 17 H. Pre-judgment interest in an amount according to proof;
- 18 I. Reasonable attorneys' fees and costs of suit; and
- 19 J. Such other and further relief as the Court deems just and proper.

20 Dated: February 25, 2011

Respectfully submitted,

21 ORRICK HERRINGTON & SUTCLIFFE LLP
22 KAREN JOHNSON-MCKEWAN
23 I. NEEL CHATTERJEE
24 MICHAEL C. SPILLNER
25 CHRISTINA VON DER AHE

26 By: 

Christina M. Von der Ahe

27 Attorneys for Plaintiffs
Oracle Corporation and Oracle International
28 Corporation

ORIGINAL

CIVIL COVER SHEET

JS 44 (Rev. 12/07) (CAND Rev 1/10)

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON PAGE TWO OF THE FORM.)

I. (a) PLAINTIFFS

Oracle Corporation and Oracle International Corporation

DEFENDANTS

Druglogic, Inc.

(b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Orrick, Herrington & Sutcliffe LLP
405 Howard Street
San Francisco, CA 94105
Tel. (415) 773-5700; Fax. (415) 773-5759
Karen Johnson-McKewan

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

C11-910
pSC

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- (For Diversity Cases Only)
- | | | | | |
|----------------------------|----------------------------|---|----------------------------|----------------------------|
| PTF | DEF | | PTF | DEF |
| <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Citizen of This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Citizen of Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Citizen or Subject of a Foreign Country | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |
- incorporated or Principal Place of Business in This State
incorporated and Principal Place of Business in Another State
Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
 35 U.S.C. 271 & 28 U.S.C. 2201

Brief description of cause:

Claim for Patent Infringement and Claim for Declaratory Judgment of Non Infringement and Invalidity.

VII. REQUESTED IN COMPLAINT:

- ☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23
 DEMAND \$
 CHECK YES only if demanded in complaint:
 JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

PLEASE REFER TO CIVIL L.R. 3-12 CONCERNING REQUIREMENT TO FILE "NOTICE OF RELATED CASE".

IX. DIVISIONAL ASSIGNMENT (CIVIL L.R. 3-2) (PLACE AND "X" IN ONE BOX ONLY)

- ☐ SAN FRANCISCO/OAKLAND
☐ SAN JOSE
☐ EUREKA

DATE

SIGNATURE OF ATTORNEY OF RECORD

JS 44 Reverse (Rev. 12/07)

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. (a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

V. Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. Do not cite jurisdictional statutes unless diversity. Example: U.S. Civil Statute: 47 USC 553
Brief Description: Unauthorized reception of cable service

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS 44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.